



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING July 17-18, 2007

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, R.Ph.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Tuesday, July 17, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 5:00 p.m.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 5:30 p.m., Tuesday, July 17, 2007, at Board Office. Motion was made by Debra Turner to go into closed session per KRS 61.810(1) (c) and (j), seconded by Ron Barbato. All in favor 2/0. Motion was made by Debra Turner to come out of closed session, seconded by Ron Barbato. All in favor 2/0. The committee meeting adjourned at 7:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:10 a.m., Wednesday, July 18, 2007, at the Kentucky Board of Nursing. A quorum was present.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the May 17, 2007, Board Meeting. Motion carried.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the June 19, 2007, Special Board Meeting. Motion carried.

Complaint Committee

Mark Brengelman reported on *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-20 Case is ongoing.

C2007-01 Notice of Administrative Hearing and Order has been filed. Hearing is scheduled for October 10-11, 2007.

C2007-03 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-06 Case is ongoing

C2007-08 An Amended Order and Notice of Immediate, Temporary Suspension was issued and conditions were met and has been temporarily reinstated. Settlement Agreement is pending.

C2007-19 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-20 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-23 Case is ongoing.

C2007-25 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Peggy Block. Ron Barbato recused from voting. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-27 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(a). The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-28 Teresa Oakley, PTA - *Preliminary Denial of Reinstatement of Licensure and Settlement Agreement* was signed and all conditions were met for Reinstatement.

C2007-29 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close the case due to insufficient evidence to support a violation of KRS 327 but to write a letter informing her that a disclaimer is in order before the video is shown to state that she is not a physical therapist and that physical therapy shall only be performed by a licensed physical therapist. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-30 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Order and Notice of Immediate and Temporary Suspension of Kentucky License. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-31 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-32 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327 and to forward the complaint to the Athletic Trainer Board.

The Complaint Committee recommended to the full Board to file a Notice of Administrative Hearing and Order against each credential holder who has failed to comply with the continued competency audit. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

The Complaint Committee recommended disciplinary action for all non-compliance of continued competency as follows: Continued Competencies deficiencies shall be disciplined by the Board with a \$250.00 costs plus a fine of \$20.00 per hour of deficiency for Physical Therapy Assistants and \$30.00 per hour of deficiency for Physical Therapists. Board approved the recommendation for this settlement authority, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT.

A motion was made by Ron Barbato, seconded by Peggy Block, to deny Charles Buster's request for termination of the remainder of his probationary period and monitoring due to the Settlement Agreement having no provision for an early termination. All in favor 4/0.

Board and Administrative Business

The Board reviewed the email from Courtney Siler regarding a physical therapist using ultrasound imaging in their practice as a tool for biofeedback or Neuromuscular re-education. This procedure is not addressed in the laws governing the practice of physical therapy in Kentucky as contained in KRS Chapter 327. 201 KAR 22:053 Section 1(1) states that a physical therapist shall practice within the scope of the credential holder's training, expertise and experience.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

The Board reviewed and approved the year-to-date financial statement.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:00 p.m. Motion carried.

Respectfully submitted,

Rebecca E. Klusch

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Executive Director